

32702, 32901, and 33101 of Title 49 of the United States Code are used as defined in the appropriate statute.

*Administrator* means the Administrator of the National Highway Traffic Safety Administration.

*Civil penalty* means any penalty, fine, or other sanction that:

(1) Is for a specific monetary amount as provided by Federal law, or has a maximum amount provided for by Federal law; and

(2) Is assessed, compromised, collected, or enforced by NHTSA pursuant to Federal law.

*NHTSA* means the National Highway Traffic Safety Administration.

**§ 578.5 Inflationary adjustment of civil penalties.**

The civil penalties set forth in this part continue in effect until adjusted by the Administrator. At least once every four years, the Administrator shall review the amount of these civil penalties and will, if appropriate, adjust them by rule.

**§ 578.6 Civil penalties for violations of specified provisions of Title 49 of the United States Code.**

(a) *Motor vehicle safety.* A person that violates any of sections 30112, 30115, 30117–30122, 30123(d), 30125(c), 30127, 30141–30147, or 30166 of Title 49 of the United States Code or a regulation prescribed under any of those sections is liable to the United States Government for a civil penalty of not more than \$1,100 for each violation. A separate violation occurs for each motor vehicle or item of motor vehicle equipment and for each failure or refusal to allow or perform an act required by any of those sections. The maximum civil penalty under this paragraph for a related series of violations is \$880,000.

(b) *National Automobile Title Information System.* An individual or entity violating 49 U.S.C. Chapter 305 is liable to the United States Government for a civil penalty of not more than \$1,100 for each violation.

(c) *Bumper standards.* (1) A person that violates 49 U.S.C. § 32506(a) is liable to the United States Government for a civil penalty of not more than \$1,100 for each violation. A separate violation occurs for each passenger

motor vehicle or item of passenger motor vehicle equipment involved in a violation of 49 U.S.C. 32506(a)(1) or (4)—

(i) That does not comply with a standard prescribed under 49 U.S.C. 32502, or

(ii) For which a certificate is not provided, or for which a false or misleading certificate is provided, under 49 U.S.C. 32504.

(2) The maximum civil penalty under this paragraph for a related series of violations is \$880,000.

(d) *Consumer information regarding crashworthiness and damage susceptibility.* A person that violates 49 U.S.C. 32308(a) is liable to the United States Government for a civil penalty of not more than \$1,100 for each violation. Each failure to provide information or comply with a regulation in violation of 49 U.S.C. 32308(a) is a separate violation. The maximum penalty under this paragraph for a related series of violations is \$440,000.

(e) *Country of origin content labeling.* A manufacturer of a passenger motor vehicle distributed in commerce for sale in the United States that willfully fails to attach the label required under 49 U.S.C. 32304 to a new passenger motor vehicle that the manufacturer manufactures or imports, or a dealer that fails to maintain that label as required under 49 U.S.C. 32304, is liable to the United States Government for a civil penalty of not more than \$1,100 for each violation. Each failure to attach or maintain that label for each vehicle is a separate violation.

(f) *Odometer tampering and disclosure.* (1) A person that violates 49 U.S.C. Chapter 327 or a regulation prescribed or order issued thereunder is liable to the United States Government for a civil penalty of not more than \$2,200 for each violation. A separate violation occurs for each motor vehicle or device involved in the violation. The maximum civil penalty under this paragraph for a related series of violations is \$110,000.

(2) A person that violates 49 U.S.C. Chapter 327 or a regulation prescribed or order is issued thereunder, with intent to defraud, is liable for three times the actual damages or \$1,650, whichever is greater.

(g) *Vehicle theft protection.* (1) A person that violates 49 U.S.C. 33114(a)(1)-(4) is liable to the United States Government for a civil penalty of not more than \$1,100 for each violation. The failure of more than one part of a single motor vehicle to conform to an applicable standard under 49 U.S.C. 33102 or 33103 is only a single violation. The maximum penalty under this paragraph on for a related series of violations is \$275,000.

(2) A person that violates 49 U.S.C. 33114(a)(5) is liable to the United States Government for a civil penalty of not more than \$110,000 a day for each violation.

(h) *Automobile fuel economy.* (1) A person that violates 49 U.S.C. 32911(a) is liable to the United States Government for a civil penalty of not more than \$11,000 for each violation. A separate violation occurs for each day the violation continues.

(2) Except as provided in 49 U.S.C. 32912(c), a manufacturer that violates a standard prescribed for a model year under 49 U.S.C. 32902 is liable to the United States Government for a civil penalty of \$5.50 multiplied by each .1 of a mile a gallon by which the applicable average fuel economy standard under that section exceeds the average fuel economy—

(i) Calculated under 49 U.S.C. 32904(a)(1)(A) or (B) for automobiles to which the standard applies manufactured by the manufacturer during the model year;

(ii) Multiplied by the number of those automobiles; and

(iii) Reduced by the credits available to the manufacturer under 49 U.S.C. 32903 for the model year.

## PART 579—DEFECT AND NONCOMPLIANCE RESPONSIBILITY

Sec.

579.1 Scope.

579.2 Purpose.

579.3 Application.

579.4 Definitions.

579.5 Defect and noncompliance responsibility.

AUTHORITY: Secs. 103, 108, 112, 113, Pub. L. 89-563, 80 Stat. 718; sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1392, 1397, 1401, 1411-1420; delegation of authority at 49 CFR 1.50).

SOURCE: 43 FR 38833, Aug. 31, 1978, unless otherwise noted.

### § 579.1 Scope.

This part sets forth the responsibilities under Part B of the Act of manufacturers for safety-related defects and noncompliances with Federal motor vehicle safety standards in motor vehicles and items of motor vehicle equipment.

### § 579.2 Purpose.

The purpose of this part is to facilitate the notification of owners of defective and noncomplying motor vehicles and items of motor vehicle equipment, and the remedy of defective and noncomplying vehicles and items of equipment, by equitably reapportioning the responsibility for safety-related defects and noncompliances with Federal motor vehicle safety standards among manufacturers of motor vehicles and motor vehicle equipment.

### § 579.3 Application.

This part applies to all manufacturers of motor vehicles and motor vehicle equipment.

### § 579.4 Definitions.

(a) *Original equipment* means an item of motor vehicle equipment (other than a tire) which was installed in or on a motor vehicle at the time of its delivery to the first purchaser if—

(1) The item of equipment was installed on or in the motor vehicle at the time of its delivery to a dealer or distributor for distribution; or

(2) The item of equipment was installed by the dealer or distributor with the express authorization of the motor vehicle manufacturer.

(b) *Replacement equipment* means—

(1) Motor vehicle equipment other than original equipment as defined in paragraph (a) of this section; and

(2) Tires.

(c) *The Act* means the National Traffic and Motor Vehicle Safety Act of 1966, as amended.

### § 579.5 Defect and noncompliance responsibility.

(a) Each manufacturer of a motor vehicle shall be responsible for any safety-related defect or any noncompliance